

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Yazmin Sanchez	Team: Team # 8	CCRB Case #: 200202369	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/11/2002 5:00 PM	Location of Incident: § 87(2)(b)	Precinct: 40	18 Mo. SOL 10/11/2003	EO SOL 10/11/2003	
Date/Time CV Reported Thu, 04/11/2002 9:19 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 04/11/2002 9:19 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. SGT Lisa Bartolomeo	01462	902089	PSA 7
3. POM Richard Spennicchia	26668	920865	PSA 7
4. LT Lorenzo Johnson	00000	894081	PSA 7

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Lorraine Bowden	14102	917592	PSA 7
2. POM Reinaldo Badillo	27640	914535	PSA 7
3. LT Eileen Treanor	00000	898976	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Lisa Bartolomeo	Abuse: In front of § 87(2)(b) in the Bronx, Sgt. Lisa Bartolomeo authorized the frisk and search of § 87(2)(b)	
B.SGT Lisa Bartolomeo	Abuse: In front of § 87(2)(b) in the Bronx, Sgt. Lisa Bartolomeo frisked and searched § 87(2)(b)	
C. Officers	Discourtesy: Officers spoke rudely to § 87(2)(b)	
D.POM Richard Spennicchia	Force: In front of § 87(2)(b) in the Bronx, PO Richard Spennicchia used physical force against § 87(2)(b)	
E.POM Richard Spennicchia	Off. Language: En route to PSA 7, PO Richard Spennicchia made a comment to § 87(2)(b) based upon physical appearance.	

Officer(s)	Allegation	Investigator Recommendation
F.LT Lorenzo Johnson	Discourtesy: En route to PSA 7, Lt. Lorenzo Johnson spoke obscenely and rudely to § 87(2)(b)	
G.SGT Lisa Bartolomeo	Abuse: At PSA 7, Sgt. Lisa Bartolomeo threatened to arrest § 87(2)(b)	
H. Officers	Abuse: At PSA 7 an officer strip-searched § 87(2)(b)	

## Synopsis

§ 87(2)(b), § 87(2)(b), and several other civilians stood outside § 87(2)(b) in the Bronx when four PSA 7 anticrime officers drove by in an unmarked car and, § 87(2)(b) § 87(2)(b), § 87(2)(g) Sgt. Lisa Bartolomeo, PO Lorraine Bowden, PO Richard Spennicchia, and PO Reinaldo Badillo arrested § 87(2)(b) and § 87(2)(b) § 87(2)(g), § 87(2)(b) The marijuana both individuals possessed was recovered and vouchered. § 87(2)(g), § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

### Summary of Complaint

On 5/2/02, § 87(2)(b) § 87(2)(b) § 87(2)(b) provided a statement to the CCRB about her arrest on 4/11/02 (enc. 9). § 87(2)(b) is 5'2," weighs 200 pounds, is § 87(2)(b), and § 87(2)(b) April 11<sup>th</sup> was a nice warm day. At about 5:00 PM, § 87(2)(b) was standing with some friends across the street from her mother's housing project building at § 87(2)(b) in the Bronx. Some of § 87(2)(b)'s friends § 87(2)(b) § 87(2)(b). § 87(2)(b) did not know the last names of these people; she knew them as § 87(2)(b) § 87(2)(b) daughter, § 87(2)(b) § 87(2)(b) daughter. A neighborhood man known as "§ 87(2)(b)" was across the street. § 87(2)(b) "§ 87(2)(b)" were drinking alcohol. § 87(2)(b) had a beer in a paper bag in hand. She and her friends were standing next to § 87(2)(b) burgundy van. § 87(2)(b) daughter gave § 87(2)(b) a purple Easter egg about two inches high filled with candies that she had brought home from school. § 87(2)(b) placed it in her jacket pocket.

An unmarked car drove by, then backed up and stopped next to the group. § 87(2)(b) recalled three officers exiting the car: a white, blond female, subsequently identified as Sgt. Lisa Bartolomeo; a female Hispanic brunette, subsequently identified as PO Lorraine Bowden; and a white male subsequently identified as PO Richard Spennicchia. (A fourth officer was also in the unmarked car: PO Reinaldo Badillo.) The officers grabbed § 87(2)(b) subsequently identified from arrest paperwork as § 87(2)(b) and searched his pockets to find a 4-inch long, rolled up marijuana cigarette (Allegation A). They asked him where “the rest of it” was. § 87(2)(b) bent down into the van and placed the beer on the floor of the van. A female officer grabbed § 87(2)(b) and checked inside her pockets (Allegation B). The female officer found the plastic egg, said, “We got her, we got her” and without opening it, placed it back inside § 87(2)(b)s pocket. § 87(2)(b) did not want to give her arms to be handcuffed; she did not know why she was being arrested.

§ 87(2)(b) saw her mother, § 87(2)(b) approaching from across the street yelling, “What’s going on?” The officers told her to “shut the hell up” (and § 87(2)(b) whose statement is below, said an officer told her to “move the fuck back” Allegation C). There was a big crowd around the officers, a few feet from them, while they stood holding § 87(2)(b) and § 87(2)(b). § 87(2)(b) was one of the closest civilians to the officers. PO Spennicchia pushed § 87(2)(b) (Allegation D). § 87(2)(b) caught § 87(2)(b) so she did not fall. § 87(2)(b) became upset and went “crazy” refusing to be handcuffed. As the female officer and § 87(2)(b) were “tussling,” the plastic egg fell out of § 87(2)(b)’s pocket. The officers arrested § 87(2)(b). At around the same time, officers brought § 87(2)(b) subsequently identified as § 87(2)(b) down to the ground and arrested her.

§ 87(2)(b) and § 87(2)(b) were placed in the police car. Marked police cars arrived at the scene at this point, but did not partake in the incident.

The officers had § 87(2)(b) move her van and from the ground under the van they picked up a “bud” of marijuana, which the officers attributed as belonging to § 87(2)(b). § 87(2)(b) did not actually see the “bud.” § 87(2)(b) and § 87(2)(b) were taken to the precinct in the same vehicle. On the way to the precinct, PO Spennicchia said to § 87(2)(b) ““Don’t act like you don’t know what we found – like you don’t know what Slimfast® is”” (Allegation E).

§ 87(2)(b) whose statement is below, stated that an officer transporting her to the precinct said, “That’s why I fuck your mother” (Allegation F). § 87(2)(b) whose statement is also below, alleges that Sgt. Bartolomeo threatened to arrest her at the precinct (Allegation G).] § 87(2)(b) claims that she was strip-searched at the precinct (Allegation H). § 87(2)(b) said that § 87(2)(b) told the officers that whatever “buds” of marijuana they found on the ground were his. The officers released § 87(2)(b) with a Desk Appearance Ticket.

§ 87(2)(a) 160.50  
§ 87(2)(b) told the investigator that she did not have any marijuana in her possession and she had not been smoking it earlier in the day.

#### Civilian witnesses

Several canvasses to the incident location led to the acquisition of statements from § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b). § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) were not located (see enc. 42). § 87(2)(b)’s address on his arrest report did not exist and § 87(2)(b) was unable to provide further information for him or for § 87(2)(b) and § 87(2)(b). Although she took the investigator’s business cards and letters, they never contacted the CCRB. Also, § 87(2)(b) told the investigator they could be reached at work on 9/17/02, but when the investigator called there in the morning and afternoon, no one answered the phone. Two other civilians that § 87(2)(b) said may have witnessed the incident: § 87(2)(b) and § 87(2)(b) were unavailable as well (see enc. 42). The investigator called them each five times, sent several letters to their residences, and visited their homes, but they were not home and never contacted the CCRB.

§ 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) all agree that on 4/11/02, at about 5:00 PM, § 87(2)(b) stood with a group of 6-8 people in their late twenties next to a van parked in front of § 87(2)(b). § 87(2)(b) and § 87(2)(b) sat on the stoop of their building. None of the civilian witnesses know if § 87(2)(b) or her other friends were drinking or smoking marijuana. Three to four plainclothes police officers stepped out of an unmarked car as it passed the group and stopped. The officers felt over the clothes and inside the pockets of § 87(2)(b) and § 87(2)(b). The officers arrested § 87(2)(b) without incident. The blonde female officer subsequently identified as Sgt.

Bartolomeo dealt most with § 87(2)(b) who resisted being handcuffed. A crowd of people circled the officers.

§ 87(2)(b), § 87(2)(b)'s mother, provided a CCRB statement on 5/2/02 (enc. 10). She is 5'2" 200 pounds, § 87(2)(b), black, and suffers from Emphysema and leg pain. § 87(2)(b) said that she approached the officers arresting her daughter, asking the officers what her daughter had done. § 87(2)(b) was within a few feet of the officers. § 87(2)(b) indicated that either Sgt. Bartolomeo or PO Spennicchia told her to move and "get the fuck back." PO Spennicchia placed both of his hands on § 87(2)(b) chest and pushed. § 87(2)(b) caught § 87(2)(b) preventing her from falling. § 87(2)(b) got very close to the officers; § 87(2)(b) said that § 87(2)(b) told her she "jumped on" an officer's back. § 87(2)(b) was arrested. Backup officers arrived. § 87(2)(b), § 87(2)(b) and § 87(2)(b) were taken to the precinct. § 87(2)(b) said she went to the precinct, too. § 87(2)(b) kept asking the officers at the precinct to tell her why her daughter was arrested. Sgt. Bartolomeo told § 87(2)(b) that her daughter had an Easter egg filled with drugs. § 87(2)(b) insisted on understanding what had happened and Sgt. Bartolomeo told her to get out of the precinct or she would arrest her. § 87(2)(b) asked the officer for her name and shield number, which Sgt. Bartolomeo wrote down: 1452. § 87(2)(b) left the stationhouse. § 87(2)(b) said that § 87(2)(b) went to court and received community service plus a \$60 fine. On 10/29/02, § 87(2)(b) viewed six photo arrays containing photos of Sgt. Bartolomeo, PO Spennicchia, PO Badillo, PO Bowden, Lt. Treanor and Lt. Johnson (see enc. 11). She selected a filler photo from Sgt. Bartolomeo's array and the photo of Lt. Eileen Treanor of the 40<sup>th</sup> Precinct indicating that one of these photos was possibly the female white officer with blonde/brown hair who told her to leave the precinct or she would be arrested. § 87(2)(b) identified PO Spennicchia as the officer who told her to "get the fuck out the way" and pushed her.

§ 87(2)(b) is Hispanic, 5'3," and weighs 187 pounds. She provided a CCRB statement on 5/22/02 (enc. 12). § 87(2)(b) lives § 87(2)(b) where § 87(2)(b) lives on the § 87(2)(b) floor. § 87(2)(b) said the officers were saying, "Move away, move away...not right now, not right now." § 87(2)(b) was very close to the officers. § 87(2)(b) was admittedly "getting nasty," "fussing and cursing" and got "very close" to the officers arresting § 87(2)(b). When the officers went to arrest § 87(2)(b) she admittedly struggled with them because she did not want to be arrested. § 87(2)(b) said that in the car she cursed at a male white officer with blonde hair who responded, "That's why I fuck your mother." § 87(2)(b) responded, "and that's why my brother fucked yours." Then, § 87(2)(b) and the officer apologized to each other. When she viewed arrays on 10/29/02, § 87(2)(b) identified Lt. Lorenzo Johnson of PSA 7 as the officer who told her that he had "fucked" her mother and to whom she said, "that's why my brother fucked yours (see enc. 13)." She identified PO Spennicchia as the officer who cursed and was mean to § 87(2)(b). § 87(2)(b) identified Sgt. Bartolomeo as the female white officer at the scene. She identified PO Badillo as being nice to her; he told her to calm down and they would let her go. § 87(2)(b) was issued a § 87(2)(a) 160.50 summons; she went to court and was told to go to trial.

§ 87(2)(b) is a § 87(2)(b) female black, who is 5'2 and 130 pounds. § 87(2)(b) provided a CCRB statement and viewed arrays on 10-29-02 (enc. 16). § 87(2)(b) recalled Sgt. Bartolomeo asking § 87(2)(b) to take her hand out of her pocket, but § 87(2)(b) was saying that she did not have anything in her pocket. § 87(2)(b) was very near to the officers arresting her daughter. § 87(2)(b) repeatedly tried to get to her daughter, and § 87(2)(b) was also trying to get to § 87(2)(b). "Everyone was on top of each other," said § 87(2)(b). § 87(2)(b) heard a male officer curse at § 87(2)(b). § 87(2)(b) was a few feet away from the officers and kept talking to them. A male officer pushed § 87(2)(b) back twice. § 87(2)(b) was behind § 87(2)(b) and was holding her up. The crowd of about 50 people were "hovering" around the officers. Though § 87(2)(b) did not definitively identify anyone when she viewed arrays, she thought that PO Spennicchia's photo looked familiar.

§ 87(2)(b) § 87(2)(b) is § 87(2)(b) 5'9," 210 pounds, § 87(2)(b). He provided a CCRB statement on 5/22/02 (enc. 14). According to § 87(2)(b), § 87(2)(b) and § 87(2)(b) were the loudest people at the scene. Sgt. Bartolomeo arrested § 87(2)(b) because "she went off" the same way § 87(2)(b) did. § 87(2)(b) said

§ 87(2)(b) was “kicking and fighting” with the officers arresting her. § 87(2)(b) did not recognize any of the officers in the arrays when he viewed them on 10/29/02 (see enc. 15).

No other witnesses were shown arrays since they were unavailable, and § 87(2)(b) did not view them because she failed to respond to five calls and several letters sent to her residence – none of which were returned (see enc. 42).

#### Officer statements

#### **Sgt. Lisa Bartolomeo, PO Lorraine Bowden, PO Richard Spennicchia, and PO Reinaldo Badillo**

Sgt. Lisa Bartolomeo is white, 5’7,” has blond-brown hair, green eyes, and weighs 145 pounds. She provided a CCRB statement on 8/21/02 (enc. 19). Sgt. Bartolomeo worked anti-crime on 4/11/02 with officers Spennicchia, Bowden and Badillo in an unmarked vehicle. PO Lorraine Bowden is Hispanic, § 87(2)(b) years old, 5’7”, has black hair, brown eyes, and she provided a CCRB statement on 6/14/02 (enc. 23). PO Badillo is a male Hispanic with black hair, brown eyes, and he weighs 210 pounds. He provided a CCRB statement on 6/14/02 (enc. 25). PO Spennicchia is a male white about 5’8” with brown hair, brown eyes and he weighs 180 pounds. He provided a CCRB statement on 8/16/02 (enc. 21).

Sgt. Bartolomeo’s memo book indicated that at 5:50 PM, PO Bowden had two under arrest (see enc. 18). At 5:55 PM, the officers were administrative at the station house. PO Bowden’s memo book indicated that she observed a female black with marijuana in her left hand; she arrested the female and vouchered marijuana at the precinct (see enc. 22). PO Badillo’s memo book provided the same information as PO Bowden’s and Sgt. Bartolomeo’s (see enc. 24). PO Spennicchia’s memo book added that he issued a summons to § 87(2)(b) for interfering with an arrest by “yelling, screaming and causing public alarm for no legitimate purpose” (see enc. 20).

On 4/11/02, PO Spennicchia drove and PO Badillo sat behind him; Sgt. Bartolomeo was on the front passenger side and PO Bowden was behind her. Sgt. Bartolomeo, PO Spennicchia, PO Bowden and PO Badillo all agree that while on patrol in a black Chevy Impala, driving down 137<sup>th</sup> Street, several of the officers saw to their immediate right, § 87(2)(b) with marijuana in cigar paper a few inches long held to his lips. Next to this man stood § 87(2)(b) holding “a large green bud in her hand in a plastic container,” Sgt. Bartolomeo described. The two were standing next to a van or car. Sgt. Bartolomeo and PO Bowden were on the side of the car nearest § 87(2)(b) and § 87(2)(b).

PO Badillo stated that as the officers drove up slowly and got to about ten feet behind the van or car, PO Spennicchia said, “There’s a guy leaning on the van over there, smoking weed.” PO Badillo saw § 87(2)(b) smoking a brown marijuana cigarette that was 3-4” long. PO Badillo did not see § 87(2)(b) with marijuana; his attention was focused on § 87(2)(b). PO Bowden saw § 87(2)(b) placing something in a plastic egg, which she held in her hand, but she initially did not know what it was.

§ 87(2)(b) and § 87(2)(b) were leaning on top of the car and were facing the street. The officers stopped the car. PO Spennicchia approached § 87(2)(b). Sgt. Bartolomeo and PO Bowden approached § 87(2)(b). Either PO Spennicchia or PO Badillo found the marijuana in § 87(2)(b)’s hand, took it from him, then the officers handcuffed him.

§ 87(2)(b) shoved the marijuana-filled plastic container into her left pocket, pushed her pocket forward, and leaned against a car, covering the pocket. With PO Bowden’s help, Sgt. Bartolomeo grabbed § 87(2)(b)’s right hand, put it behind her back, handcuffed that wrist, and asked § 87(2)(b) to remove her left hand from her pocket. § 87(2)(b) would not comply. She kept putting her weight on her hand. Sgt. Bartolomeo held § 87(2)(b)’s left hand with her left hand because she wanted to be in control in case § 87(2)(b) removed something dangerous from her pocket. § 87(2)(b) was screaming.

People from a nearby stoop started crowding the officers. Members of the crowd got so close, they placed their hands on and around the officers effecting the arrests. PO Spennicchia handcuffed § 87(2)(b).

§ 87(2)(b) PO Bowden and PO Spennicchia then tried to keep people who were within two feet of the officers, off the officers' backs. PO Badillo said the crowd was very hostile and people were cursing at the officers; helped physically keep the crowd away from the other officers as well. Sgt. Bartolomeo told PO Spennicchia to call a 10-85 and he did.

As Sgt. Bartolomeo got § 87(2)(b)'s hand out of her pocket, § 87(2)(b) flicked out the plastic container of marijuana, which turned out to be an Easter egg half-filled with marijuana. Sgt. Bartolomeo handcuffed § 87(2)(b). Neither PO Bowden nor the sergeant went into § 87(2)(b)'s pockets before she was arrested. After the officers handcuffed § 87(2)(b) PO Bowden looked for and found the egg right in front of § 87(2)(b) under a car. PO Bowden looked in the egg and found marijuana – “a green leafy substance.” Though PO Spennicchia did not see the egg when the incident began, he observed the “green leafy substance” inside the egg as PO Bowden held it and showed it to him after she picked it up off the ground.

Sgt. Bartolomeo and other officers arrested § 87(2)(b) for disorderly conduct. PO Bowden went over to assist after she recovered the egg from the floor. Officers had to wrestle with § 87(2)(b) to get her handcuffed. About 15-20 officers responded to the 10-85. Though PO Spennicchia did not handcuff § 87(2)(b) he later filled out her summons.

About whether an officer pushed § 87(2)(b) PO Spennicchia said he faced the disorderly crowd with his back to his fellow officers and kept the people away. He would not say he “pushed” people, he just told people to get back. He did not recall if he pushed anyone in the crowd. Sgt. Bartolomeo said that § 87(2)(b) confronted her and started pushing her out of the way to get to her handcuffed daughter. § 87(2)(b) did not listen to Sgt. Bartolomeo who tried to explain that § 87(2)(b) would be taken to the precinct. Sgt. Bartolomeo finally put her hand up to keep § 87(2)(b) from continuing to push her. She told her that her daughter was being arrested for possession of marijuana and would be at PSA7. All of the officers said that no officers used profanity or spoke discourteously towards the civilians. PO Bowden and PO Badillo did not witness an officer push § 87(2)(b).

Sgt. Bartolomeo and PO Spennicchia went to the station house with § 87(2)(b) who cried and begged not to be arrested because she was already arrested once for drug possession and she could lose her job with the Board of Education. She said she would do anything not to be arrested, including giving the officers information about drugs in her area. Sgt. Bartolomeo told her no and that she should not have acted the way she did when the officers tried to arrest her. Sgt. Bartolomeo said no one told § 87(2)(b) anything like, “Don’t act like you don’t know what we found, like you don’t know what Slimfast® is.” PO Spennicchia said he made no comments about Slimfast® or § 87(2)(b)'s weight.

PO Badillo, PO Bowden, and Lt. Johnson of PSA 7 transported § 87(2)(b) in the lieutenant's vehicle to the stationhouse. § 87(2)(b) was in between PO Bowden and PO Badillo. PO Bowden told § 87(2)(b) to “relax” because she was purposefully placing her elbow in PO Bowden's side. No officer cursed at § 87(2)(b). § 87(2)(b) was acting angrily and was cursing a lot. The officers “pretty much ignored” her; no officer cursed at her.

At the PSA 7 stationhouse, § 87(2)(b) and a group of 7-9 people entered the station house and were loud and demanding. § 87(2)(b) was an older woman with breathing problems and Sgt. Bartolomeo just wanted to get her out of the precinct because she was not making the situation better. Sgt. Bartolomeo told § 87(2)(b) that she saw § 87(2)(b) with marijuana. Sgt. Bartolomeo had to stop § 87(2)(b) from going to the cell area. Sgt. Bartolomeo thought she might have more effect if she enlisted the help of the Community Affairs Officer to explain to § 87(2)(b) what she should do and what was happening. This officer, Joanne Ingallsbob gave § 87(2)(b) information about going to court and other related matters. PO Ingallsbob told Sgt. Bartolomeo that § 87(2)(b) told her that she was going to make a complaint about her and that § 87(2)(b) would not listen to PO Ingallsbob either. PO Ingallsbob told the sergeant that § 87(2)(b) told her that if she had a gun she would kill Sgt. Bartolomeo. PO Ingallsbob told the sergeant that she would vouch for her because she witnessed how the people were behaving. Sgt. Bartolomeo told the civilians that if they just sat quietly, they could stay. The civilians did not quiet down. Sgt. Bartolomeo told them that if they did not calm down, they could be arrested for disorderly conduct or

obstructing governmental administration. § 87(2)(b) and her family decided to leave the precinct. Whereas PO Bowden said that § 87(2)(b) demeanor was “fine” at the precinct, PO Spennicchia, from the cell room, observed the crowd of 5-10 people “causing a scene, screaming and yelling.” Neither PO Spennicchia nor PO Bowden heard an officer threaten to arrest § 87(2)(b).

Sgt. Bartolomeo frisked § 87(2)(b) at the scene and searched her at the precinct; PO Badillo searched § 87(2)(b) at the precinct. However, the officers did not perform strip searches at the precinct; they conducted regular searches of pockets and the belt-line. The anti-crime officers indicated that the two other officers they recalled arriving at the scene were Lt. Johnson of PSA 7 and Lt. Treanor of the 40<sup>th</sup> precinct.

#### **Lt. Lorenzo Johnson**

Lt. Lorenzo Johnson is a male white 5’10,” weighs 210 pounds, has brown hair, hazel eyes and is § 87(2)(b) old. He provided a CCRB statement on 8/30/02 (enc. 27). Lt. Johnson was assigned to special operations for Housing PSA 7. Lt. Johnson was alone in a marked RMP and was in uniform. He had no related memo book entries.

Lt. Johnson heard his anti-crime team radio a 10-85 (officer needs assistance) from the incident location and he responded to the scene from about five blocks away. Lt. Johnson believed that the arrested people were already in the police cars when he arrived. He saw more than one police vehicle and saw an “irate crowd.” An “elderly female who just got out of the hospital or something” was in the middle of the crowd and was “very irate.” Lt. Johnson told her to calm down. He did not have physical contact with her and did not see any officer push her. Lt. Johnson rounded up the officers and directed them to go back to the command to prevent the situation from becoming more volatile. Lt. Johnson went back to the command to find out what had happened. He did not remember if he transported any of the arrested civilians to the command and did not recall if any officers used physical force, cursed, or made derogatory comments at the civilians. He also did not recall any interaction with civilians at the precinct.

#### **Lt. Eileen Treanor**

Several of the anti-crime officers remembered Lt. Treanor being at the scene, which is why on 9/19/02, she was interviewed by the CCRB (enc. 29). She is a female white, 5’5,” 140 pounds, has strawberry blonde hair, blue eyes, and is § 87(2)(b) old. She was the 40<sup>th</sup> Precinct platoon commander. Her memo book has no related entries. Lt. Treanor said she often responds to 10-85 calls, but she had no recollection of the incident even when provided with detailed information about the arrests.

#### Police documents

§ 87(2)(b) s arrest report indicates that at 5:55 PM, she was arrested § 87(2)(a) 160.50, whereas § 87(2)(b) was charged solely with § 87(2)(a) 160.50. PO Bowden was the assigned arresting officer and she indicated that force was used against § 87(2)(b) to restrain/control/remove her from the arrest scene. The PSA 7 Command Log has entries for the arrests of § 87(2)(b), § 87(2)(b) and § 87(2)(b) made by the anti-crime team (see enc. 32). They were logged in at 6:15 PM; their conditions were normal. § 87(2)(b) and § 87(2)(b) were charged § 87(2)(a) 160.50 and § 87(2)(b) was charged with § 87(2)(a) 160.50. § 87(2)(a) 160.50. Stop and Frisk Logs from the 40<sup>th</sup> precinct and PSA 7 show no entries related to the incident (see enc. 34).

#### Criminal case dispositions

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]



[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### Civil suit(s)

There is no civil suit against the city in relation to this incident (see enc. 42).

#### Criminal conviction histories

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### Officer substantiated case history

None of the officers: Lt. Lorenzo Johnson, Sgt. Lisa Bartolomeo, or PO Richard Spennicchia have substantiated CCRB complaints (see enc. 5-7).

#### Officer identification

§ 87(2)(b), § 87(2)(g)

Sgt. Bartolomeo admitted to being the primary officer dealing with § 87(2)(b) at the scene and dealing with § 87(2)(b) at the precinct. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

#### Conclusions and Recommendations

##### Undisputed facts

§ 87(2)(b), § 87(2)(b), and several others were talking around a van while leaning against it when Sgt. Bartolomeo, PO Spennicchia, PO Bowden, and PO Badillo, performing anti-crime duties in plainclothes drove by slowly in an unmarked car, then stopped. § 87(2)(b) did not fight with the officers – he allowed himself to be arrested and a marijuana cigarette was recovered from him. § 87(2)(b) on the other hand, did not allow the officers to handcuff her; she refused to place her hands behind

her back. During her arrest, a plastic Easter egg that she had in her pocket fell to the ground. The officers handcuffed her and recovered from the ground a “bud,” meaning tightly packed ball, of marijuana. § 87(2)(b) did not want to be arrested because she believed that her job as a New York City public school employee would be jeopardized. § 87(2)(b) was arrested at the scene § 87(2)(a) 160.50 because she was screaming at the anti-crime officers while they tried to arrest § 87(2)(b). § 87(2)(b) fought with them not to be arrested. Sgt. Bartolomeo and PO Spennicchia transported § 87(2)(b) to the PSA 7 stationhouse. PO Badillo, PO Bowden, and Lt. Johnson transported § 87(2)(b) to the PSA 7 stationhouse in the lieutenant’s vehicle. At the stationhouse, Sgt. Bartolomeo dealt with § 87(2)(b)’s mother and friends who wanted information about § 87(2)(b) and who did not leave the precinct until Sgt. Bartolomeo told them that if they did not leave they could be arrested.

#### Credibility and determination of fact

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) had the marijuana cigarette in hand, and it was vouchered. The “bud” of marijuana that was found on the ground was recovered in the same area where § 87(2)(b) was arrested and three of the four officers saw it inside the egg. § 87(2)(g)

Sgt. Bartolomeo saw § 87(2)(b) packing the egg with marijuana before she approached § 87(2)(b) whereas PO Bowden and PO Spennicchia saw the marijuana-filled egg after § 87(2)(b) dropped it on the ground. The “bud” of marijuana was also vouchered. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) indicated just how close to the officers § 87(2)(b) was, stating that she and others were practically “on top” of the officers, and § 87(2)(b) described § 87(2)(b) as acting similar to § 87(2)(b) who admittedly yelled, cursed, and acted “nastily” towards the officers. § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

### Allegations addressed

#### **Allegation A: Sgt. Lisa Bartolomeo authorized the frisk and search of**

§ 87(2)(g), § 87(2)(b)

#### **Allegation B: Sgt. Lisa Bartolomeo frisked and searched**

§ 87(2)(g), § 87(2)(b)

#### **Allegation C: Officers spoke rudely towards**

§ 87(2)(g)

§ 87(2)(b). In one such case a female officer who threatened to “knock” a ranting student’s “fucking teeth in” and told the student that she was not her “fucking mother” was found not guilty of misconduct for her words (i.e., see PD v. Williams, OATH index No. 293/92, enc. 2). The judge determined that the context of the situation in which the officer found herself was very important. The judge cited cases in which OATH judges have ruled that “harsh or even profane language” is exonerable when it is used “in order to more forcefully make a point or to gain compliance with an order or direction.”

§ 87(2)(g), § 87(2)(b)

§ 87(2)(g), § 87(2)(b)

**Allegation D: PO Richard Spennicchia used physical force against § 87(2)(b)**

§ 87(2)(g), § 87(2)(b)

**Allegation E: En route to PSA 7 PO Richard Spennicchia made a comment to § 87(2)(b) based upon physical appearance.**

§ 87(2)(b) described the officer who made the alleged “Slimfast®” comment as the same short, male white officer who pushed her mother. § 87(2)(b) identified PO Spennicchia as the officer who pushed her. PO Spennicchia was admittedly in the car that transported § 87(2)(b) to the precinct. § 87(2)(b), § 87(2)(g)

**Allegation F: En route to PSA 7 Lt. Lorenzo Johnson spoke obscenely and rudely towards § 87(2)(b)**

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

**Allegation G: At PSA 7 Sgt. Lisa Bartolomeo threatened to arrest § 87(2)(b)**

§ 87(2)(g), § 87(2)(b)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Allegation H: At PSA 7 An officer strip-searched § 87(2)(b)**

§ 87(2)(b) alleged that at PSA 7 she was strip searched. Sgt. Bartolomeo, who took responsibility for § 87(2)(b)'s arrest, processing and search, stated that no officer strip-searched § 87(2)(b). Sgt. Bartolomeo said she conducted a more thorough search of § 87(2)(b) than the regular field frisk at the incident scene since the officers had to leave the scene immediately after the arrested people were handcuffed, but the search was not a strip search. § 87(2)(b) did not in her original statement specify what she meant by the strip search and who allegedly performed the strip search. § 87(2)(g)

[REDACTED]

However, when the investigator attempted to obtain § 87(2)(b)'s cooperation with viewing photos and further describing the allegation, § 87(2)(b) did not respond to the investigator's many contact attempts. The investigator went to § 87(2)(b)'s residence on 10/29/02. Since she was not home the investigator left a letter for her there, when no response arrived, another letter was mailed on 11/21/02. The investigator also called her numerous times, leaving messages with her mother and on her answering machine (9/17, 11/21, 11/22 & 11/25/02, 3/25 & 3/26/03). § 87(2)(b)'s mother responded to the contact attempts so her mother, along with some of § 87(2)(b)'s friends were available to view photos; § 87(2)(b) though, was not. § 87(2)(g)

[REDACTED]

[REDACTED]

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: